

To: Gina McCarthy/DC/USEPA/US@EPA;"Michael J McAdams  
(b) (6) (b) (6) Michael J McAdams  
(b) (6) (b) (6)  
Cc: Fernandes Neville (b) (6) aul  
(b) (6)  
(b) (6) rl  
From: Delahoussaye Dayne  
Sent: Tue 1/29/2013 10:05:04 PM  
Subject: Neste Oil - McCarthy - PFAD and Palm Waste Stream classification  
MAIL\_RECEIVED: Tue 1/29/2013 10:05:23 PM  
[2013-01-29 - McCarthy - PFAD.pdf](#)  
(b) (6)

Dear Ms. McCarthy

Attached please find a digital copy of a letter mailed earlier today regarding Neste Oil's concerns regarding the Agency's delay in response to our submitted waste plan and classification of PFAD and other palm wastes.

We look forward to the opportunity to meet with the Agency to discuss this issue in more detail.

Until then, do not hesitate to contact me if there are any questions regarding the foregoing or difficulties accessing the attached document.

Dayne

Dayne A. Delahoussaye  
Legal Counsel and Regulatory Affairs Manager (USA and Canada)

Neste Oil - Houston  
1800 West Loop South, Suite 1700  
Houston, Texas USA 77027

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## NESTE OIL

29 January 2013

Gina McCarthy, Assistant Administrator for the Office of Air and Radiation  
US EPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 6101A  
Washington, DC 20460

(b) (6)

Re: Palm Waste Classification – Neste Oil Separated Food Waste Plan

Dear Ms. McCarthy:

On or about 24 July 2012, Neste Oil received a statement from the EPA that stated the following:

The EPA will regard Palm Sludge oil recovered from palm oil mill effluent, Palm free fatty acids, and Palm oil recovered from bleaching earth (hereafter collectively palm waste) as "Non-cellulosic portions of separated food waste" so long as such wastes meet the following conditions:

1. The palm waste would be permanently discarded if not used to make biofuel, or if not discarded, they would be used to make some non-biofuel product whose revenue or cost savings represents a very small fraction of the revenue that would have been generated from the sale of the production of the primary product palm oil.
2. The palm waste is from palm that was originally intended to be used in food production or derived from post consumer food.

In the same statement, EPA further expanded its review of palm wastes to include PFAD as follows:

In the interpretation ... of the RFS2 regulations, we concluded that palm fatty acid distillate (PFAD) qualifies under the existing RFS2 program as a waste product from the production of food. Our determination is that PFAD is a by-product in the production of palm oil and do not represent a primary product and are not the purpose for growing palms or extracting and purifying palm oil. While PFAD has some existing uses such as a supplemental energy source for boiler fuel, we conclude that these other uses are generally considered low value uses and removal of PFADs from such alternative uses will not substantially impact these other uses (e.g., decreasing the amount of PFAD used as boiler fuel will not substantially

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## NESTE OIL

impact the availability of feedstock used for boiler fuel). Therefore we concluded that PFAD in the circumstances which were presented to EPA, is consistent with the description of a waste as included in the final RFS2 rulemaking, assuming the material also meets the definition of renewable biomass and any and all other applicable compliance requirements established by rule. EPA reserves the right to reassess this determination at a later date should circumstances change.

On 17 September 2012, Neste Oil Singapore Pte Ltd (EPA ID No 4137) submitted a separated food waste plan as required under the applicable regulations seeking approval to use palm sludge oil recovered from palm oil mill effluent, palm free fatty acids (palm acid oil), palm oil recovered from bleaching earth, palm fatty acid distillate and other palm oil derivatives (collectively "palm wastes") as non-cellulosic portions of separated food wastes and therefore classified as "biogenic waste oils/fats/greases" in reliance on the EPA's determinations as communicated above. However to date, Neste Oil has not received a response regarding its separated food waste plan submission despite numerous requests for status updates to various personnel within the Agency.

It is our understanding that the EPA may be rethinking its previously articulated determination on the palm wastes' classification as waste products as well as the similar classification of other feedstock previously designated as waste product. If correct, Neste Oil has numerous concerns regarding this review of waste product designations. Specifically, based on the EPA's previous guidance, Neste Oil has invested significant capital and time in the form of improvements to its facilities to more efficiently process and refine EPA approved waste feedstock and to procure such feedstock. A change of determination mid-stream will cause significant and undue hardship to producers like Neste who acted in reliance on the agency's findings, will send negative signals to the market about the stability and reliability of the Renewable Fuel Standard, and will undermine the biofuel producing community's ability to obtain necessary quantities of qualifying feedstock required to produce the mandated gallons of biofuels. The unnecessary delay caused by the agency's inaction has created a large degree of uncertainty affecting Neste Oil's business decisions.

Neste Oil believes EPA's initial assessment of qualifying PFAD and other palm wastes as a waste produce is correct. In fact, PFAD is a lower value product than many of the other feedstocks approved as waste products by EPA such as animal fat. The European Union and some Canadian provinces including Alberta and British Columbia consider PFAD to be a waste product. Further, efforts by some producers capable of using only first-generation, crop-based feedstocks to disqualify waste feedstocks appear to be misguided attempts to protect market share and are an affront to a feedstock/technology neutral platform to increase biofuel production.

Additionally, it is important to note that the palm wastes are a separate and distinct feedstock from crude palm oil feedstock and other primary purpose palm oil derivatives.

## NESTE OIL

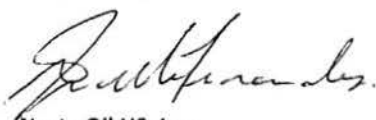
While the agency is considering the lifecycle analysis of crude palm oil, it should not further delay confirmation of its approval of the palm waste streams and their separate, waste-product lifecycle considerations.

Neste Oil believes that these palm wastes fall squarely within the definition of waste products as contemplated in the RFS regulations. Absent compelling lifecycle analysis to the contrary, the EPA should discontinue review of its classification and confirm that palm wastes including palm sludge oil, palm from bleaching earth, palm free fatty acids, and palm fatty acid distillate, are wastes and qualify as biogenic waste oils/fats/greases and therefore eligible for generating D4 or D5 RINs under the current regulations.

We renew our urging that the EPA act with a reasonable time for the convenience and necessity of Neste Oil's ability to comply with the RFS and to not succumb to inertia. Specifically, even if a preliminary determination has not been made, a response notice to Neste Oil indicating the status of the review and an anticipated time frame for EPA to inform Neste Oil of the agency's preliminary determination is greatly appreciated and expected.

In order to communicate additional facts and circumstances regarding this issue and its effect of biofuel producers like Neste Oil, we request a meeting with you and those who will be responsible for reviewing and approving Neste's separated food waste plan.

Respectfully,



Neste Oil US, Inc.  
Neville Fernandes, President

cc: Michael McAdams, President Advanced Biofuels Association

To: (b) (6)  
From: Larry Schafer  
Sent: Wed 1/30/2013 7:03:59 PM  
Subject: RE: Follow up  
MAIL\_RECEIVED: Wed 1/30/2013 7:04:06 PM  
[EPA Regulatory Tracking Document.pdf](#)  
(b) (6)  
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[www.americasadvancedbiofuel.com](http://www.americasadvancedbiofuel.com)  
[Argyropoulos](#) (b) (6)  
[mailto:](#) (b) (6)  
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[image001.gif](#)

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Larry Schafer

National Biodiesel Board

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M: (b) (6)

(b) (6)

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Biodiesel – America's Advanced Biofuel!

[www.americasadvancedbiofuel.com](http://www.americasadvancedbiofuel.com)

1331 Pennsylvania Ave. NW

Suite 505

Washington DC 20004

From: (b) (6) [mailto:(b) (6)]  
Sent: Wednesday, January 30, 2013 2:00 PM  
To: Larry Schafer  
Subject: RE: Follow up

Not sure I'm preparing anything yet. Maybe a few slides.

However, what are the "6" things you wanted me to cover?

Volume Standards  
New Pathway Rules  
Home heating oil rule  
Etc??????

BTW -- I will not address RIN Integrity (Byron is) nor will I address wastes.

Thanks, Paul

Paul N. Argyropoulos  
Senior Policy Advisor  
Office of Transportation & Air Quality  
US Environmental Protection Agency  
Office Phone: 1-202-564-1123  
Mobile: 202-577-9354  
Email: (b) (6)  
Website: [www.epa.gov/otaq](http://www.epa.gov/otaq)

Larry Schafer ---01/29/2013 11:05:38 AM---Perfect ... that works If you do a PPT, they can drop your presentation into the video ... (like ma

From: Larry Schafer <(b) (6)>  
To: Paul Argyropoulos/DC/USEPA/US@EPA  
Date: 01/29/2013 11:05 AM  
Subject: RE: Follow up

Perfect ... that works

If you do a PPT, they can drop your presentation into the video ... (like magic) ...

We are in Suite 505 ...

Thanks ...



-----  
Larry Schafer  
National Biodiesel Board

O: (b) (6)

M: (b) (6)

(b) (6)

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Biodiesel – America's Advanced Biofuel!  
[www.americasadvancedbiofuel.com](http://www.americasadvancedbiofuel.com)

1331 Pennsylvania Ave. NW  
Suite 505  
Washington DC 20004  
-----Original Message-----

From: (b) (6) .gov [mailto:(b) (6)]

Sent: Tuesday, January 29, 2013 11:04 AM

To: larryschafer18

Subject: Re: Follow up

How about 11.

Paul N. Argyropoulos

Senior Policy Advisor

Office of Transportation and Air Quality US. EPA

Email: (b) (6)

Phone: 1-202-564-1123

Mobile: 1-202-577-9354

----- Original Message -----

From: "Larry Schafer" (b) (6)

Sent: 01/29/2013 03:44 PM GMT

To: Paul Argyropoulos

Subject: Re: Follow up

What time works ...

-----Original Message-----

From: (b) (6)

To: Larry Schafer

Subject: Re: Follow up

Sent: Jan 29, 2013 10:40 AM

Yes.

Paul N. Argyropoulos

Senior Policy Advisor

Office of Transportation and Air Quality US. EPA

Email: (b) (6)

Phone: (b) (6)

Mobile: 1-202-577-9354

----- Original Message -----

From: "Larry Schafer" (b) (6)

Sent: 01/29/2013 03:38 PM GMT

To: Paul Argyropoulos

Subject: Follow up

Paul

Any chance u can do the filming on Thursday rather than Friday?

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Larry Schafer

The Diamond Group

-- and --

National Biodiesel Board

(b) (6)

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O: (b) (6)

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Larry Schafer

The Diamond Group

-- and --

National Biodiesel Board

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O: (b) (6)

Agency Rule List - 2012

Environmental Protection Agency

Agency	Agenda Stage of Rulemaking	Title	RIN
EPA/AR	Proposed Rule Stage	Amendments to the Renewable Fuel Standard (RFS) and Identification of New Pat	<a href="#">2060-AR21</a>
EPA/AR	Proposed Rule Stage	Renewable Fuel Standard (RFS) Volume Standards for 2013	<a href="#">2060-AR43</a>
EPA/AR	Proposed Rule Stage	Renewable Fuel Standard (RFS) Volume Standards for 2014	<a href="#">2060-AR63</a>
EPA/AR	Proposed Rule Stage	RFS Renewable Identification Number (RIN) Quality Assurance Program	<a href="#">2060-AR72</a>
EPA/OECA	Final Rule Stage	Amendments to the Civil Monetary Penalty Inflation Adjustment Rule	<a href="#">2020-AA49</a>
EPA/AR	Final Rule Stage	Addition of New Fuel Pathways I Under the Renewable Fuel Standard (RFS2) Progr	<a href="#">2060-AR07</a>
EPA/AR	Final Rule Stage	Modifications to Renewable Fuel Standard and Diesel Sulfur Programs	<a href="#">2060-AR44</a>



To: Paul Argyropoulos/DC/USEPA/US@EPA[]  
From: (b) (6)  
Sent: Wed 1/30/2013 8:50:51 PM  
Subject: FW: BIOFUELS UPDATE: \*\*\*Ethanol Groups Urging EPA to Reduce Advanced Biofuel Pool  
MAIL\_RECEIVED: Wed 1/30/2013 8:51:16 PM

(b) (6)

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Sr Policy Advisor  
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(b) (6) | www.hklaw.com

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From: (b) (6) [mailto:(b) (6)]  
Sent: Wednesday, January 30, 2013 3:36 PM  
To: OPIS Ethanol Updates  
Subject: BIOFUELS UPDATE: \*\*\*Ethanol Groups Urging EPA to Reduce Advanced Biofuel Pool

2013-01-30 03:36:00 EST

\*\*\*Ethanol Groups Urging EPA to Reduce Advanced Biofuel Pool

The Renewable Fuels Association (RFA) and Growth Energy, two of the largest U.S. corn-based ethanol trade groups, are urging EPA to reduce the advanced biofuel pool in the upcoming 2013 renewable fuels standard (RFS2) to prevent surging Brazilian sugarcane ethanol imports.

The two biofuel groups delivered that message earlier this month at a White House Office of Management and Budget meeting to discuss the 2013 RFS2 renewable volume obligations.

According to one of two documents presented at the Jan. 4 meeting, and provided on OMB's website, the "decline in U.S. [ethanol] production since June [2012] has been largely offset by surging imports from Brazil. Thus, U.S. ethanol stocks remain high relative to demand," the document explained, noting that the U.S. is on pace for 400-450 million gal of imports. Additionally, "[i]mports encouraged by the advanced biofuel RIN value (currently around 45 cts/gal)," the document noted. On Tuesday, OPIS assessed 2012 advanced biofuel RINs at 38.5 cts/gal.

The request comes as at least 359 million gal/yr of U.S. ethanol capacity is currently idle after a spate of recent shutdown announcements, including Abengoa's 88-million gal/yr Ravenna and 55-million gal/yr York, Neb., plants, the 60-million gal/yr Aemetis plant in Keyes, Calif., White Energy's 110-million gal/yr Plainview, Texas, plant and POET's 46-million gal/yr Macon, Mo., facility due to halt output Feb. 1.

Neither RFA nor Growth Energy returned requests for comment by presstime, although RFA President Bob Dinneen told the Wall Street Journal earlier today

that he was "concerned that at a time when the U.S. industry is having to shut down plants because of a lack of marketplace opportunities, the EPA has provided an incentive to import more Brazilian ethanol."

Two sources in the biofuels industry told OPIS the request from RFA and Growth Energy has more to do with the impending 10% ethanol blendwall, whereby 10% ethanol blends have nearly saturated the fuel market. Under RFS2, corn-based ethanol is capped at 15 billion gal, but if EPA reduces the advanced biofuel pool of the overall requirement, then more corn-based ethanol could meet RFS2, sources explained.

"The U.S. corn ethanol industry is overproducing, faced with its blendwall and opposition for higher blends, and doesn't want competition from any other product," said one biofuels source. "Today, they are going after sugarcane ethanol and biodiesel [which can also qualify in the advanced biofuel pool], but tomorrow they will go after the cellulosic and algae fuels or anything else that threatens their monopoly on the RFS," the source added.

However, one ethanol industry source disagreed, saying "our concern has nothing to do with biodiesel or advanced biofuels," the source said. "We welcome as much of that as possible. But if past is prologue, much of that additional volume will be imported ethanol and that is hurting U.S. companies and American consumers," the source added.

None of the groups representing fuels that currently qualify in the advanced biofuel pool want it rejiggered.

"Brazilian sugarcane ethanol is a clean and affordable renewable fuel that cuts dependence on oil, and it's one of the few biofuels to meet EPA's strict 'advanced' RFS designation because it cuts greenhouse gases by up to 90%," explained Leticia Phillips, the North American representative for Brazilian sugarcane industry trade group UNICA. "The idea of having a specific slot for advanced biofuels like sugarcane ethanol is precisely to stimulate market demand for cleaner fuels. Reducing the allowance would be a step backwards for the entire program, creating uncertainty and running counter to the intention of cutting climate-changing emissions," she said.

"UNICA hopes EPA does what it has always done when asked to make any type of change to ethanol volumes established in the RFS, and that is to turn down such requests and protect the integrity of the program," Phillips added.

Similar comment came from the National Biodiesel Board. "The renewable fuels industry for years has been united around the goal of increasing the production of advanced biofuels," said Anne Steckel, vice president of federal affairs for the trade group. "We believe the EPA has established reasonable, sustainable production targets and that it would be a real mistake to retreat from those targets now. The biodiesel industry already is accounting for the vast majority of our advanced biofuel production, and while market dynamics are difficult to predict with certainty, we believe the industry will continue to fill an increasing amount of this market as well, including significantly this year," she added.

Michael McAdams, president of the Advanced BioFuels Association, was equally

against any rejiggering of the advanced biofuel bucket. "It is extremely important to celebrate the success of the advanced biofuels industry," he said. "It took the ethanol industry 20 years to deliver 2 billion gallons," he said, noting that the advanced biofuels industry produced 2.25 billion gal in 2012 (above the 2 billion gal originally intended by EPA). "That's a great accomplishment to be proud of," he said.

To change the growth trajectory for the advanced biofuel pool would be "bad policy," McAdams continued. "What the advanced biofuels industry needs more than anything else is certainty," he added.

-Rachel Gantz, (b) (6)

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To: (b) (6)  
From: (b) (6)  
Sent: Wed 1/30/2013 9:00:28 PM  
Subject: RE: FW: BIOFUELS UPDATE: \*\*\*Ethanol Groups Urging EPA to Reduce Advanced Biofuel Pool  
MAIL RECEIVED: Wed 1/30/2013 9:01:09 PM  
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From: (b) (6) [mailto:(b) (6)]  
Sent: Wednesday, January 30, 2013 3:59 PM  
To: McAdams, Michael J (WAS - X75140)  
Subject: Re: FW: BIOFUELS UPDATE: \*\*\*Ethanol Groups Urging EPA to Reduce Advanced Biofuel Pool

Thanks. Heard about the WSJ piece. (b) (6)

Paul N. Argyropoulos  
Senior Policy Advisor  
Office of Transportation & Air Quality  
US Environmental Protection Agency  
Office Phone: (b) (6)  
Mobile: (b) (6)  
Email: (b) (6)  
Website: [www.epa.gov/otaq](http://www.epa.gov/otaq)

---01/30/2013 03:51:16 PM---(b) (6) Michael  
McAdams | Holland & Knight

From: (b) (6)  
To: (b) (6)  
Date: 01/30/2013 03:51 PM  
Subject: FW: BIOFUELS UPDATE: \*\*\*Ethanol Groups Urging EPA to Reduce Advanced Biofuel Pool

(b) (6)

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-----Original Message-----

From: (b) (6) [mailto:(b) (6)]  
Sent: Wednesday, January 30, 2013 3:36 PM  
To: OPIS Ethanol Updates  
Subject: BIOFUELS UPDATE: \*\*\*Ethanol Groups Urging EPA to Reduce Advanced Biofuel Pool

2013-01-30 03:36:00 EST

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she added.

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-Rachel Gantz, (b) (6)

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To: (b) (6)  
Cc: (b) (6) (b) (6) (b) (6)  
From: Glenn Johnston  
Sent: Thur 1/31/2013 3:44:01 PM  
Subject: RE: Discussion/ABFA Regulatory Affairs  
MAIL RECEIVED: Thur 1/31/2013 3:44:35 PM  
(b) (6)

Dear Gwen,

The week of Feb 18th, 2013 does not work for us due to vacation and travel schedule. We would like to visit Chris in Ann Arbor and would like to know his availability during the week of Feb 11th or Feb 25th.

Cheers,

Glenn Johnston

Executive Vice President Regulatory Affairs

Description: cid:image001.png@01CACB33.AA68DC90

345 Inverness Drive South

Building C, Suite 310

Englewood, CO 80112

Phone (+1-303) (b) (6) x2281

Direct (+1-720) (b) (6)

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From: (b) (6) [mailto:(b) (6)]  
Sent: Tuesday, January 29, 2013 12:04 PM  
To: Glenn Johnston  
Cc: (b) (6)  
Subject: Discussion/ABFA Regulatory Affairs

Good Afternoon:

I have received your meeting request for face to face with Christopher Grundler in February 2013.

Christopher Grundler will be in his DC Office the week of February 18, 2013 and as of right now has availability towards the end of that week.

February 20, 2013 - 1:00 PM  
February 21, 2013 - 1:00 PM

Please let me know your availability during that week and we can schedule a date and time.

Thank you.

Gwen Stewart  
Secretary  
Detail in:  
Mr. Christopher Grundler's Office  
Office of Transportation and Air Quality  
202 564-1682  
(b) (6) - Fax Number  
and  
Mr. Byron Bunker's Office  
Compliance Division  
(b) (6)  
(b) (6) - Fax Number

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The TDD number is (b) (6) [REDACTED]

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extension and resend the Email with the renamed attachment. After  
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For further information, please contact the EPA Call Center at  
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To: (b) (6)  
From: Larry Schafer  
Sent: Thur 1/31/2013 7:50:37 PM  
Subject: RE: EPA Proposals Issued -- 1) 2013 RFS Volume Standards and 2) Changes to Enhance Confidence in RIN Trading in the RFS Program  
MAIL RECEIVED: Thur 1/31/2013 7:50:47 PM  
(b) (6)  
[www.americasadvancedbiofuel.com](http://www.americasadvancedbiofuel.com)  
<http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm>  
<http://www.epa.gov/otaq/fuels/renewablefuels/index.htm>  
<http://epa.gov/otaq/fuels/renewablefuels/regulations.htm>  
(b) (6)  
[www.epa.gov/otaq](http://www.epa.gov/otaq)

Thanks Paul ...

-----  
Larry Schafer

National Biodiesel Board

O: (b) (6)

M: (b) (6)

(b) (6)

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[www.americasadvancedbiofuel.com](http://www.americasadvancedbiofuel.com)

1331 Pennsylvania Ave. NW

Suite 505

Washington DC 20004

From: (b) (6) [mailto:(b) (6)]  
Sent: Thursday, January 31, 2013 2:18 PM  
To: undisclosed-recipients:  
Subject: EPA Proposals Issued -- 1) 2013 RFS Volume Standards and 2) Changes to Enhance Confidence in RIN Trading in the RFS Program

Dear Interested Parties:

## EPA Proposes 2013 Renewable Fuel Standards

The proposed 2013 overall volumes and standards are:

Biomass-based diesel (1.28 billion gallons; 1.12 percent)  
Advanced biofuels (2.75 billion gallons; 1.60 percent)  
Cellulosic biofuels (14 million gallons; 0.008 percent)  
Total renewable fuels (16.55 billion gallons; 9.63 percent)

The proposal announced today will be open to a 45-day public comment period and EPA will consider feedback from a range of stakeholders before the proposal is finalized.

More information on the standards and regulations:

<http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm>

More information on renewable fuels: <http://www.epa.gov/otaq/fuels/renewablefuels/index.htm>

## EPA Proposes Changes to Enhance Confidence in RFS RIN Trading Program

To help make the Renewable Fuel Standard (RFS) program more efficient and effective the U.S. Environmental Protection Agency (EPA) is proposing a structured process for buyers of Renewable Identification Numbers (RINs) in order to verify their validity.

Under the proposal, RINs would be verified through a new voluntary quality assurance program (QAP) that also includes alternative compliance options which leverage existing industry practices and market forces. The QAP would provide a recognized means for independent third parties to audit the production of renewable fuel and verify that RINs have been validly generated.

EPA worked closely with stakeholders in developing the proposal. This proposal will now be available for a 30 day public comment period. EPA will consider feedback from a range of stakeholders before the proposal is finalized.

More information on the proposed rule and the RFS program:

<http://epa.gov/otaq/fuels/renewablefuels/regulations.htm>

Thanks, Paul

Paul N. Argyropoulos  
Senior Policy Advisor  
Office of Transportation & Air Quality  
US Environmental Protection Agency  
Office Phone: (b) (6)  
Mobile: (b) (6)  
Email: (b) (6)  
Website: [www.epa.gov/otaq](http://www.epa.gov/otaq)



To: (b) (6)  
From: (b) (6)  
Sent: Thur 1/31/2013 8:05:26 PM  
Subject: Re: EPA Proposals Issued -- 1) 2013 RFS Volume Standards and 2) Changes to Enhance Confidence in RIN Trading in the RFS Program  
MAIL\_RECEIVED: Thur 1/31/2013 8:08:04 PM  
<http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm>  
<http://www.epa.gov/otaq/fuels/renewablefuels/index.htm>  
<http://epa.gov/otaq/fuels/renewablefuels/regulations.htm>

Thanks paul. Let the fun begin. You are the best.

-----  
Sent using BlackBerry

From: (b) (6) [mailto:(b) (6)]  
Sent: Thursday, January 31, 2013 02:18 PM  
Subject: EPA Proposals Issued -- 1) 2013 RFS Volume Standards and 2) Changes to Enhance Confidence in RIN Trading in the RFS Program

Dear Interested Parties:

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More information on renewable fuels: <http://www.epa.gov/otaq/fuels/renewablefuels/index.htm>

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Thanks, Paul

Paul N. Argyropoulos  
Senior Policy Advisor  
Office of Transportation & Air Quality  
US Environmental Protection Agency  
Office Phone: (b) (6)  
Mobile: (b) (6)  
Email: (b) (6)  
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From: "BIO Newsletter"  
Sent: Thur 1/31/2013 8:36:31 PM  
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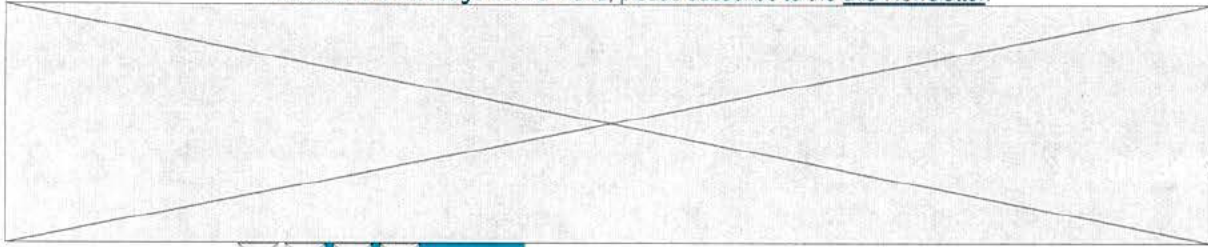
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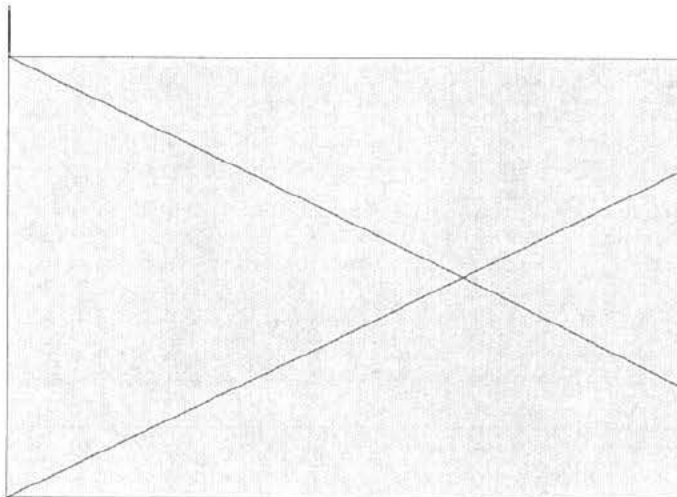
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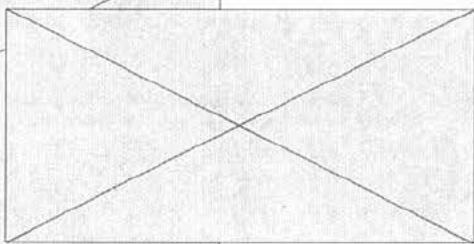
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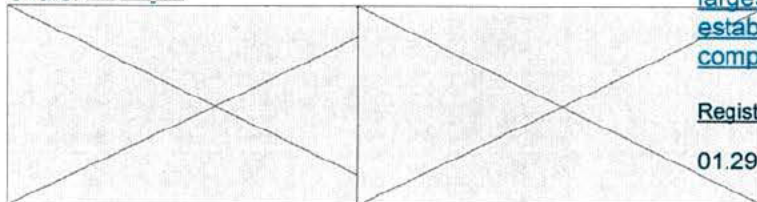
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Sent: Tue 2/5/2013 5:05:25 PM  
Subject: BIO 2013 Keynote Announced: Ask the Experts  
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Is There a Way Out?

A Conversation with the co-chairs of President Obama's National Commission on Fiscal Responsibility and Reform.

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Wednesday, April 24: 12 – 2 pm

McCormick Place • Chicago, IL

Co-chairs of President Obama's National Commission on Fiscal Responsibility and Reform and co-founders of The Campaign to Fix the Debt, Simpson and Bowles will hold a lively discussion moderated by Jim Greenwood.

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ask the experts

Have a question for one of our keynotes? Submit your question to (b) (6) by March 15. One question will be selected and asked by Jim Greenwood during the live discussion.

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Tuesday Keynote, April 23: 12 – 2 pm      Sponsored by:  
To be announced soon! Check [convention.bio.org](http://convention.bio.org)  
for updates.

Preceding Tuesday's Keynote:  
State of the Industry Address  
James C. Greenwood  
President & CEO Biotechnology Industry Organization

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Sent: Thur 2/7/2013 6:02:27 PM  
Subject: The Most Productive Week You'll Have All Year  
MAIL\_RECEIVED: Thur 2/7/2013 6:03:21 PM  
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Dear Paul,

As an integral member of the industry you are continuously receiving conference announcements. I know I am. But I feel it is important to keep you updated on developments for the 2013 BIO World Congress on Industrial Biotechnology.

We are proud to host a conference that stands out from the rest. It's the world's largest industrial biotech conference and we expect over 1,200 attendees to gather this June 16-19 in Montreal, Canada for the unbeatable programming and networking opportunities.

This year's line-up of plenary speakers includes leaders of industry. The plenary program will begin with a dynamic panel discussing current industrial biotech trends around the globe and the policies driving business development or hindering growth in this sector. Other panel discussions will cover Feeding Next-Gen Biorefineries in 2013, Building a Sustainable Biobased Industry, Biomanufacturing at Commercial Scale, and Feeling the Heat of the Biofuels Boom. [Click here to view the full plenary program.](#)

Confirmed Plenary Speakers include:

James C. Greenwood, President and CEO, BIO (Moderator)  
Andrew Casey, President and CEO, BIOTECANADA  
Joanna Dupont, Director of Industrial Biotechnology, EuropaBio  
Dato Dr. Nazlee Kamal, Chief Executive Officer, BiotechCorp  
Reed Doyle, Director, Corporate Social Responsibility, Seventh Generation  
Fred Luckey, Chairman, The Keystone Alliance for Sustainable Agriculture  
Christophe Schilling, Chief Executive Officer, Genomatica (Moderator)  
Dr. Stephan Freyer, Senior Research Manager, Chemical Engineering Industrial Biotechnology, BASF  
Dr. Junichiro Kojima, Research and Development Manager, Ajinomoto  
Paulo Carollo, Executive Vice President, Chemtex International Inc.  
Steve Hartig, Vice President, Bio-Energy, Royal DSM NV

I encourage you to view the conference website in the upcoming weeks when we release the Breakout Program speakers. The 2013 Breakout Program will feature over 200 speakers in seven tracks, including the new Academic Research Papers Track. This Track will feature 15 minute technical presentations on the latest advancements in renewable chemicals and biofuels from academia.

BIO One-on-One Partnering is BIO's proprietary software program that will allow you to intelligently search attending company's profiles and request on-site meetings. This feature is included free of charge as part of each attendee's registration. In the past, over 500 meetings between attending companies have taken place! The software will launch in early May.



We have extended the deadline for Clean Tech Investor Session company presentation applications to Thursday, February 21. This is a great opportunity for emerging companies seeking funding opportunities to make a formal presentation to an audience of investors. Click [here](#) to learn more about the Clean Tech Investor Sessions.

The BIO team looks forward to providing you with the most productive week you'll have all year at the 2013 BIO World Congress on Industrial Biotechnology. If you have any comments or suggestions, please contact

(b) (6)

Best Regards,

Brent Erickson  
Executive Vice President  
Industrial and Environmental Section  
Biotechnology Industry Organization

PS - If you plan to travel from outside of Canada to attend the conference, please e-mail (b) (6) at your earliest convenience to request a visa letter.

Biotechnology Industry Organization  
1201 Maryland Avenue, SW  
Suite 900  
Washington, DC 20024

(b) (6) (p)  
(b) (6) (f)

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#### Our Featured Blogs

##### [In Defense of State Renewable Portfolio Standards](#)

To those sustainable energy advocates who are witnessing and defending against the attacks on the federal Renewable Fuels Standard (RFS), it should come as no surprise that similarly misguided assaults are being directed at state-adopted Renewable Portfolio Standards (RPS). The standards are designed to increase electricity generation from renewable resources by requiring electric utilities to supply a certain minimum share of their electricity from eligible renewable resources by a certain year. Currently, 29 states and the District of Columbia carry an RPS because they recognize the economic growth they generate. Yet, there are misguided efforts underway in a number of states that would re-impose a "business-as-usual" approach to energy development and repeal, reduce or freeze existing RPS targets.

[Read more...](#)

## News of Note

### Despite Obstacles, Ethanol Industry Contributes \$43 Billion to GDP in 2012

Domestic ethanol production reached an estimated 13.3 billion gallons - the second highest annual production level in history amidst the nation's worst drought in 50 years, according to an analysis conducted by Cardno-ENTRIX and commissioned by the Renewable Fuels Association.

The study came as the U.S. ethanol industry met for its national conference in Las Vegas this week. The production of ethanol directly employed 87,292 Americans last year. Another 295,969 found work in positions indirectly affiliated with or induced by ethanol production.

The more than 380,000 total jobs helped create \$30.2 billion in household income and contributed \$43.4 billion to the national Gross Domestic Product (GDP), the analysis shows. Last year's second highest annual ethanol production also helped displace 465 million barrels of imported oil worth \$47.2 billion.

"This past year, our nation's ethanol industry has demonstrated its efficiency and resilience during one of the worst droughts in half a century," said RFA President and CEO Bob Dinneen. "Despite the weather and declining gasoline consumption, our domestic, homegrown industry kept up production, continued to improve the environment, and helped reduce our dependence on foreign oil."

Meanwhile, Dinneen told the some 1,100 conference participants that the industry is "under siege and fighting back" on three fronts: defending the major federal program for ethanol production, the Renewable Fuel Standard (RFS); promoting motor fuels consisting of 15 percent blends of ethanol with gasoline (E15); and opening new markets for American ethanol overseas, while opposing protectionist policies in Brazil and the European Union (EU).

Citing opposition to the RFS by feedstock interests and oil companies, Dinneen said, "Our adversaries are not dedicated to destroying the RFS because it has failed. Our adversaries are dedicated to destroying the RFS because it is succeeding."

He noted that the ethanol produced domestically represented nearly 10 percent of the nation's transportation fuel supply, despite the drought, falling gasoline demand, rising imports and "a host of regulatory and commercial barriers to E15."

Dinneen said U.S. ethanol production reduces the nation's dependence on imported oil, dropping imports from more than 60 percent of the U.S. oil supply in 2005 to 41 percent last year.

He also said that last year showed the RFS "is designed to give refiners and EPA multiple ways to meet the standards and administratively adjust the program to accommodate whatever market anomalies may arise."

In another development from the conference, a national poll showed that for the second year in a row, U.S. consumers widely support the RFS. Commissioned by the RFA and conducted by American Viewpoint, 64 percent of adults polled said they supported the RFS, while just 25 percent are opposed.

"Clearly and demonstrably, Americans believe that the Renewable Fuel Standard is an important federal policy that results in more energy independence, more job creation, and a cleaner environment," Dinneen said. "They see the value of the RFS in strengthening America, now and in the future."

In presenting the poll's findings, Linda DiVall, president of American Viewpoint, said the ethanol industry "has been confronted with many challenges - a lack of awareness, a very powerful opposition that is perpetuating



myths, and an uneven playing field with 'Big Oil.' Interestingly, American consumers overwhelmingly favor an end to Big Oil subsidies, which would place these two deliverers of energy on a more equal playing ground."

#### ACORE Event Highlights Renewable Energy Industry Progress

Renewable energy sources accounted for nearly half of all new domestic electrical generating capacity in 2012, making it the nation's fastest growing energy segment, attendees were told at the American Council On Renewable Energy's (ACORE) National Renewable Energy Policy Forum in Washington this week. Furthermore, renewable energy also shows signs of approaching cost parity with traditional energy sources.

Vice Admiral Dennis McGinn, president and CEO of ACORE, pointed to research showing the cost for electricity produced from new onshore wind farms will be lower than new advanced or conventional coal plants by 2017 as a clear incentive for the public sector to pursue policies that encourage continued renewable energy growth and innovation.

"Now is not the time to fetter the progress and achievements of the renewable energy industry. We must pursue federal and state policies that unlock new sources of capital from the private sector and create market certainty," McGinn said. "The clean energy economy that is being created addresses societal concerns about our economy, health and the environment. Renewable energy leverages public investment to create jobs while making us more secure and benefiting our environment."

Secretary of the U.S. Department of Interior Ken Salazar joined industry, financial and government leaders at the Capitol Hill forum, recognizing the progress made by renewable energy as part of the nation's power supply. The secretary called for renewed bi-partisan support for expanding America's domestic energy sources.

"Renewable energy plays a critical – and ever expanding – role in our nation's domestic energy production," said Salazar. "The 34 renewable energy proposals for public lands approved under this Obama administration generate jobs and economic development while encouraging innovation and private investment in renewable energy sources. We need to continue these investments in coming years."

U.S. investment in energy production dates back to land grants for coal and timber in the 1800s. In recent years, increased private sector investment and new federal and state policies for renewables have helped reduce costs, increase production, generate new jobs throughout the country, and spur innovation, according to ACORE Policy Forum co-chairs Roger Ballentine, president of Green Strategies and Kathleen McGinty, senior VP and managing director for strategic growth, Weston Solutions.

"There has been more than \$500 billion in private sector investment in renewable energy technology in the past two years," said Ballentine. "At the same time, the cost of solar, wind and other renewable energy sources continues to decline."

"America has an opportunity to capture significant portions of the clean energy marketplace, not only domestically, but throughout the world," said McGinty. "Creating a clean energy economy is vital to boosting our economy. More renewable energy leverages investment, creates jobs, and helps the environment. It is a win-win for everyone."

#### Analysis: Advanced Biofuel Companies Now in More than Half of U.S. States

California is home to nearly 30 advanced biofuel companies, but dozens of other states from coast to coast also are beginning to realize the economic benefits of this emerging industry, according to analysis by Environmental Entrepreneurs (E2).

Combined, there are now more than 80 advanced biofuel companies, refineries and related operations located in at least 27 states. Beyond California, the top four states for biofuel companies are: Illinois (eight), Colorado (six),

Texas (five) and Iowa (four), E2 says.

A searchable map and state-by-state breakdown of companies involved in the advanced biofuels industry is a centerpiece of a new Web site launched by E2 at [www.fuelinggrowth.org](http://www.fuelinggrowth.org). The site, a clearinghouse for information on how clean fuel companies are driving economic growth, includes reports that examine the growth and potential of the domestic biofuel industry; fact sheets about the industry and videos and other stories that spotlight American biofuel companies.

As detailed on the Web site, the advanced biofuel market could be worth more than \$60 billion within the next decade and more than 18,000 jobs could be created by the 26 biorefineries that are expected to open by 2015, according to E2 analysis.

E2 describes itself as a national organization of more than 850 business leaders and others who advocate for good environmental policy while building economic prosperity.

Fuelinggrowth.org also details how advanced biofuels can be produced sustainably without competing with food. The group cites stories about biofuel companies on the site that talk about farmers who are discovering new revenue opportunities for their agricultural waste; companies that are developing new technologies to make fuels cleaner, and biofuel refineries that are popping up nationwide.

"We've got the resources, the knowledge and the technology to put our country on a path to meet our transportation needs with cleaner fuels," said Mary Solecki, clean fuels analyst at E2. "The type of innovation we're seeing in the biofuel industry is what makes America great."

According to E2, U.S. and Canadian advanced biofuel production capacity increased from 427 million gallons in 2011 to more than 685 million gallons in 2012. Capacity is expected to increase to 2.6 billion gallons by 2015.

The group cites ways states are integrating clean fuels into their mix. Solecki says some states use tax incentives, while others like California and Oregon have a Low Carbon Fuel Standard (LCFS). California's Alternative and Renewable Fuel and Vehicle Technology Program (AB 118) also has been especially helpful in getting companies to open new operations there.

"States that will benefit the most from this promising and important industry are those that support sound clean fuel policies," Solecki said. "States that ignore this growing economic development opportunity risk missing out in the future."

U.S. biofuel businesses employ thousands of people across a value chain that includes farmers, engineers, factory workers, scientists, truck drivers, and railroad engineers, among others.

"In addition to benefiting the economy, the clean fuel industry also benefits the environment by lowering the carbon content of our nation's fuel mixture," Solecki said. "That improves our air quality and cuts the greenhouse gas emissions that lead to climate change. And by reducing our dependence on foreign oil, the clean fuel industry also is helping bolster our national security."

#### Report: Tax reform Could Enhance Energy Efficiency

A report issued this week by the American Council for an Energy-Efficient Economy (ACEEE) says tax reform can provide Congress with opportunities to promote energy efficiency and eliminate barriers through the tax code.

The report, "Tax Reforms to Advance Energy Efficiency," looks at tax reforms that could be made in six major areas, including promoting capital investment in manufacturing, encouraging advanced energy-saving technologies, and rationalizing depreciation schedules.



The researchers say that changes in the three areas would pay for themselves as the increased energy savings increase profits and tax receipts. They also find that the provisions to encourage advanced energy-saving technologies would increase employment by an average of 164,000 jobs over the 2014-2030 time frame.

"Tax reform will be a major topic of discussion in Congress in upcoming months, and energy efficiency should be part of the conversation," said Steven Nadel, ACEEE's executive director and the report's lead author. "Since energy efficiency leads to job growth, increased productivity, and a cleaner environment, it's only common sense that Congress should consider these changes as they rewrite the tax code."

Other topics discussed in the report are reduction of subsidies for fossil fuels, emissions fees and radical change to the business tax code in order to reduce marginal tax rates and remove some disincentives to energy efficiency.

"Our report explores new perspectives that haven't been considered much before," said Kate Farley, ACEEE researcher and co-author of the report. "This report is an important starting point for making some major, beneficial changes that will benefit all Americans. By using the tax code to remove barriers to energy efficiency, Congress can help modernize the manufacturing sector, promote new, advanced energy-saving technologies, and help us all keep more money in our pocketbooks."

The report evolved from a series of several working papers that were published by ACEEE over the past year. The authors invited stakeholders and tax policy experts to comment on the working papers. The final report reflects many of the comments and critiques received by the authors.

#### General Motors Joins Solar Energy Industries Association

General Motors is now a member of the Solar Energy Industries Association.

Last year, SEIA ranked GM as the No. 1 automotive solar user in the United States. It placed No. 13 among other companies, such as IKEA and Walmart, making significant use of solar power.

"Part of our renewable energy goal as a company involves helping other organizations learn how to successfully implement renewable energy strategies," said Rob Threlkeld, renewable energy manager for GM. "Joining SEIA enables us to reach a pool of like-minded companies committed to making solar energy a significant energy source."

"SEIA is thrilled that General Motors has made solar deployment such an integral part of their global sustainability practices," said Solar Energy Industries Association President and CEO Rhone Resch. "Transportation and energy are intrinsically linked, and GM's decision shows the company's keen understanding of the synergies between the two industries."

GM's solar arrays in the United States generated enough electricity in 2012 to power 800 U.S. homes, a number that is expected to double this year.

#### Finalists Named for International Wood Stove Design Competition

A pool of 14 inventors, universities and manufacturers will compete in the first-ever Wood Stove Design Challenge this fall in Washington, D.C. Competitors are building an affordable, cleaner-burning wood stove for residential heating. The finalists' stoves will be tested and judged at a Wood Stove Decathlon on the National Mall in Washington in November, with the winner receiving \$25,000.

The Wood Stove Design Challenge was launched by the Alliance for Green Heat, an independent non-profit, to bring more innovation to a popular, widely used renewable energy device. In selecting finalists, judges looked for designs that could produce ultra-low emissions, high efficiency, in addition to innovation, affordability and marketability.



"The competition brings together innovators - whether established manufacturers or backyard inventors - to improve America's most widespread residential renewable energy device, the wood stove," said Jim Meigs, judge and Editor-in-Chief of Popular Mechanics. "We've seen how technologies like oxygen sensors and catalysts have made today's automobiles far less polluting. We're excited to help encourage a similar technological revolution in wood stoves,"

Among the 14 designs designated as finalists by judges last month at DOE's Brookhaven National Laboratory include stoves controlled by microprocessors and connected to smartphones, as well as ultra-efficient stoves based on 17th century Scandinavian designs, and several state-of-the-art hybrid stoves that are already on the market. Six of the designs are from Europe.

Judges include leading experts from Popular Mechanics, the New York State Energy and Research Development Authority, the U.S. Forest Service, the Washington State Department of Ecology, DOE Brookhaven National Laboratory, The Biomass Thermal Energy Council, the Osprey Foundation, the Masonry Heater Association and UC Berkeley.

The EPA requires most new wood stoves to be far cleaner than the unregulated stoves of the 1970s and 80s, which were notoriously polluting. Even so, the wood stove has not been embraced as a clean energy technology by most policy makers or the public, in part because low emissions are only achieved if consumers operate the stove correctly. Many don't.

"We need stoves that incorporate best practices in combustion engineering to maximize efficiency and drastically reduce particulates and carbon monoxide," said Mark Knaebe, one of the judges and a Natural Resource Specialist at the USDA Forest Service. "Then, wood stoves will be able to meet even more of our residential heating needs."

Most of the teams represent established wood stove companies, but five are independent inventors and engineering students who have never brought a stove to market. Some are looking to sell their inventions to manufacturers and others are looking for recognition so they can ramp up production.

Headlines of Note for the Week Ending Feb. 8, 2013

News of interest to our 25x'25 Partners and advocates for a clean energy future:

California Leads Nation in Advanced Bio-Fuel Companies, Report Says  
DOE, Treasury Make \$150 Million in Tax Credits Available for Clean Energy Manufacturers  
General Motors Joins Solar Energy Industries Association  
IRS Issues Faqs on How to Claim Biofuel Tax Credits  
Newly Discovered Plant Structure May Lead to Improved Biofuel Processing  
Spain's Wind Farms Break Energy Record  
Sugar-Rich Willow Can Boost Biofuels' Green Credentials  
The 2013 Renewable Fuel Standard: A 10-Minute Guide  
U.S. Biodiesel Beats Slump To Record Consecutive Production High  
U.S. Wind Market Boomed in 2012

#### UPCOMING EVENTS

Other events of interest to 25x'25 partners and other renewable energy stakeholders can be found by clicking [here](#).

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Paul, thanks a load my friend.

Michael McAdams | Holland & Knight  
Sr Policy Advisor  
800 17th Street, NW Suite 1100 | Washington DC 20006  
Phone (b) (6) | Fax (b) (6)  
(b) (6) | [www.hklaw.com](http://www.hklaw.com)

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From: (b) (6) [mailto:(b) (6)]  
Sent: Monday, February 11, 2013 10:16 AM  
To: (b) (6)  
Subject: Contact Info for Mike

Steve,

Thanks for the chat. Appreciate if you can give Mike a call and accommodate his request for a meeting if at all possible.

Thanks, Paul

Here's Mikes Info.

Mike McAdams  
President, Advanced Biofuels Association  
Email: (b) (6)  
Phone: (b) (6)

Paul N. Argyropoulos  
Senior Policy Advisor  
Office of Transportation & Air Quality  
US Environmental Protection Agency  
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Paul, Steve: I certainly appreciate how helpful you have been in this space. I have been advising my Client D2G to dot all the I's and cross all the T's. Mr. Muller is planning to come into town this Thursday, and he has finished his laboratory test runs of his unit. I wanted him to go through the result and have him introduce his process to you directly. You have been most helpful in the past and I very much want to make sure he is doing everything he is required to do in order to help set the industry standards. If you have time for a brief meeting it would be most appreciated. Thank you in advance for your consideration.

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Sent: Monday, February 11, 2013 10:16 AM  
To: (b) (6)  
Subject: Contact Info for Mike

Steve,

Thanks for the chat. Appreciate if you can give Mike a call and accommodate his request for a meeting if at all possible.

Thanks, Paul

Here's Mike's Info.

Mike McAdams  
President, Advanced Biofuels Association  
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Phone: (b) (6)

Paul N. Argyropoulos  
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Subject: biodiesel tax incentive slides  
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[Biodiesel - Fuels Tax Deck \(Petro - Biodiesel\) \(1-8-13\).pptx](#)  
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[www.americasadvancedbiofuel.com](http://www.americasadvancedbiofuel.com)

Paul,

Here is the background information you requested.

The biodiesel, renewable diesel and renewable aviation tax credit.

Diesel fuel excise tax is 24.4 cents per gallon.

The biodiesel tax credit is \$1.00 -- it is a credit against excise tax.

It is refundable (if you have no excise tax liability, then you are still able to receive the tax credit)

In order to take the credit, you must blend biodiesel with diesel fuel -- this happens two ways:

1. Biodiesel producers blend B99 (0.1 percent diesel with 99.9% biodiesel ) at the biodiesel plant -- when they do biodiesel producers are eligible to take the credit -- and they pass a portion of the tax credit to whoever purchases the biodiesel from them.
2. Petroleum blenders blend B100 with diesel fuel (usually a B2 to B14 blend) -- when this happens the biodiesel producer sells B100 and negotiates up front whether they retain any value of the credit before they sell it -- under this example -- the blender (the petroleum company, or the discretionary blender (Loves, Pilot, etc.)) takes the tax credit. The blenders are the "blender of record" and are subject to excise tax 24.4 cents on each gallon of fuel they put into the market place (because they are putting a taxable fuel into the market place) ...

If you produce the biodiesel in another country then you can sell it as B100 in the United States – the company you sell it to, can then take the tax credit on it --- When produced outside of the United States the product cannot be exported.

Does this help?

I have attached some slides and some instructions ... also included below ...

Let me know if you need more ...

Line 2. Biodiesel or Renewable Diesel Mixture

Credit

Claimant. The person that produced and sold or used the mixture in their trade or business is the only person eligible to make this claim. The credit is based on the gallons of biodiesel or renewable diesel in the mixture. The biodiesel used to produce the biodiesel mixture must meet ASTM D6751 and meet the Environmental Protection Agency's (EPA) registration requirements for fuels and fuel additives under section 211 of the Clean Air Act. The renewable diesel used to produce the renewable diesel mixture must be derived from biomass, meet EPA's registration requirements for fuels and fuel additives under section 211 of the Clean



Air Act, and meet ASTM D975, D396, or other equivalent standard approved by the IRS. Renewable diesel also includes fuel derived from biomass that meets a Department of Defense specification for military jet fuel or an ASTM specification for aviation turbine fuel. For a renewable diesel mixture used in aviation, kerosene is treated as if it is diesel fuel.

Claim requirements. The biodiesel mixture credit may not be claimed for biodiesel produced outside the United States for use as a fuel outside the United States. The United States includes any possession of the United States. The following requirements must be met.

1. The claim must be for a biodiesel or renewable diesel mixture sold or used during a period that is at least 1 week.
2. The claimant has a certificate from the producer.  
See Certificate below for details.
3. The amount of the claim must be at least \$200 unless the claim is filed electronically. To meet the minimum, amounts from lines 1, 2, and 3 may be combined.
4. The claim must be filed by the last day of the first

quarter following the earliest quarter of the claimant's income tax year included in the claim. For example, a calendar-year claimant's claim for a biodiesel mixture sold or used during June and July must be filed by September 30.

Certificate. The Certificate for Biodiesel and, if applicable, Statement of Biodiesel Reseller must be attached to the first claim filed that is supported by the certificate or statement. For the renewable diesel mixture credit, you must edit the certificate and, if applicable, statement to indicate that the fuel to which the certificate and statement relate is renewable diesel and state the renewable diesel meets the requirements discussed earlier under Claimant. See Model Certificate O and Model Certificate S in Pub. 510. If the certificate and statement are not attached to Schedule 3 because they are attached to a previously-filed claim on Schedule C (Form 720), attach a separate sheet with the following information.

1. Certificate identification number.
2. Total gallons of biodiesel or renewable diesel on certificate.
3. Total gallons claimed on Schedule C (Form 720), line 13.

How to claim the credit. Any biodiesel or renewable diesel mixture credit must first be taken on Schedule C

to reduce your taxable fuel liability for gasoline, diesel fuel, and kerosene reported on Form 720. Any excess credit may be taken on Schedule C (Form 720), Form 8849, Form 4136, or Form 8864. See Notice 2005-4 and Notice 2005-62 for more information.

-----  
Larry Schafer

National Biodiesel Board

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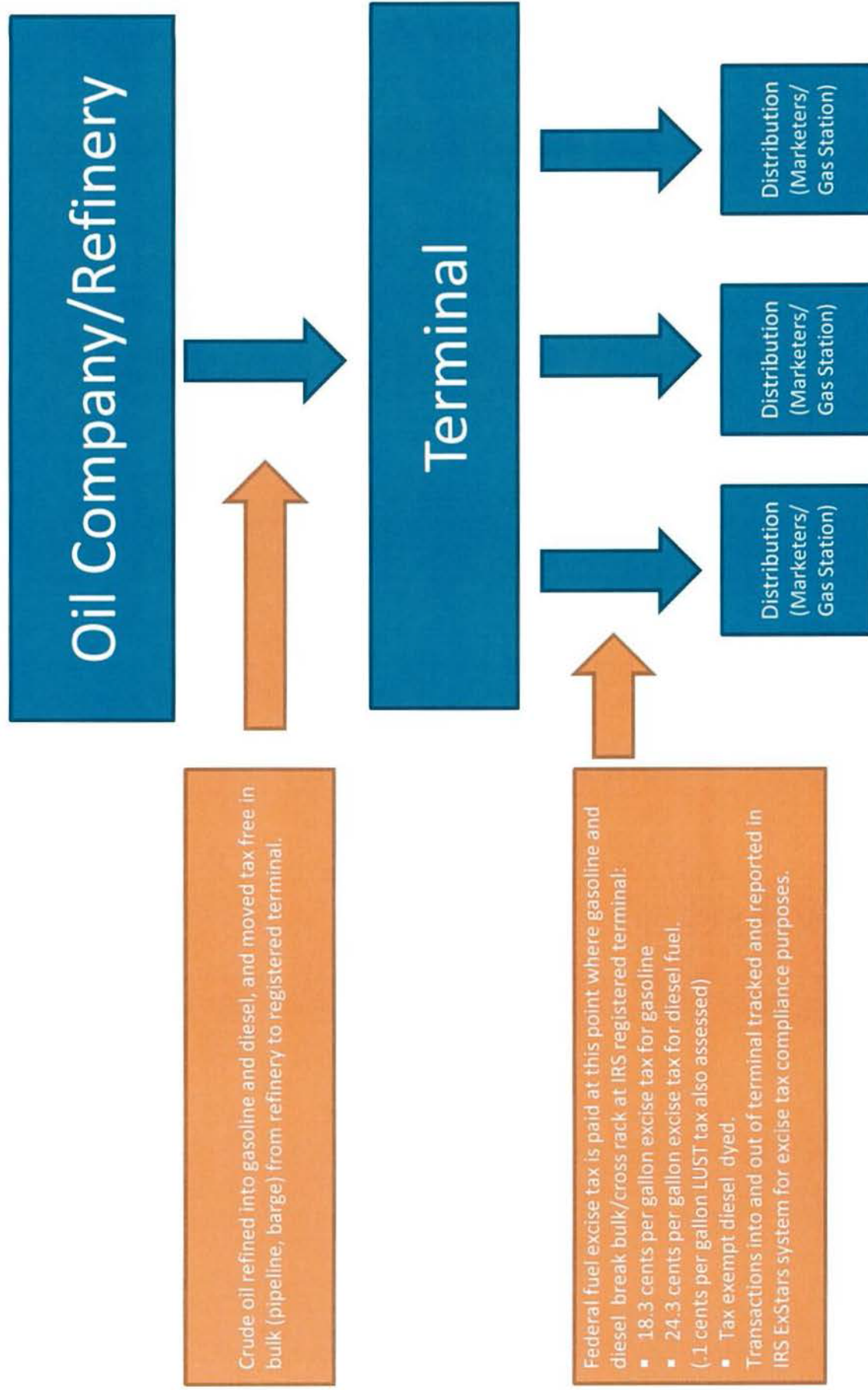
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1331 Pennsylvania Ave. NW

Suite 505

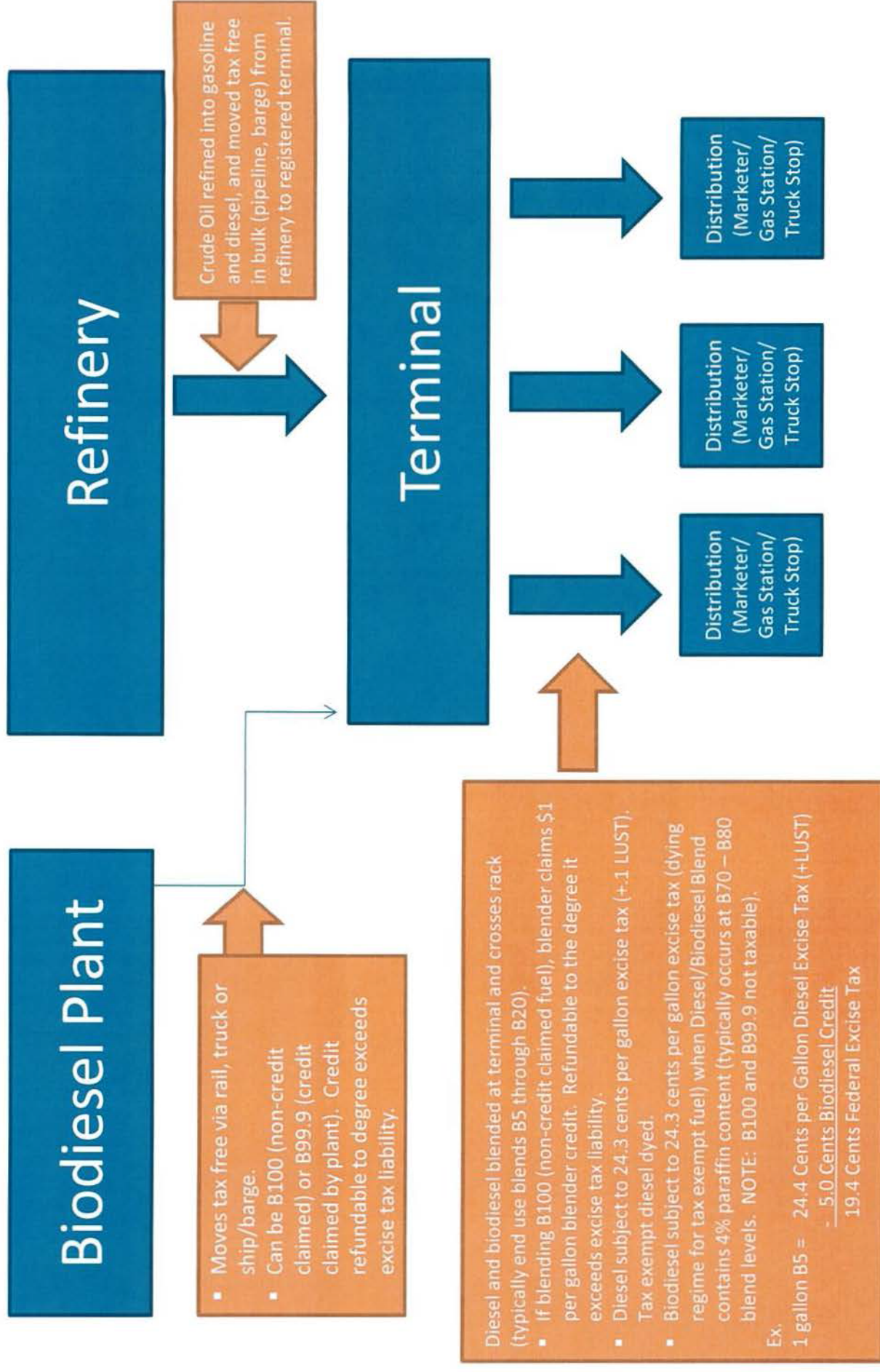
Washington DC 20004

## PETROLEUM

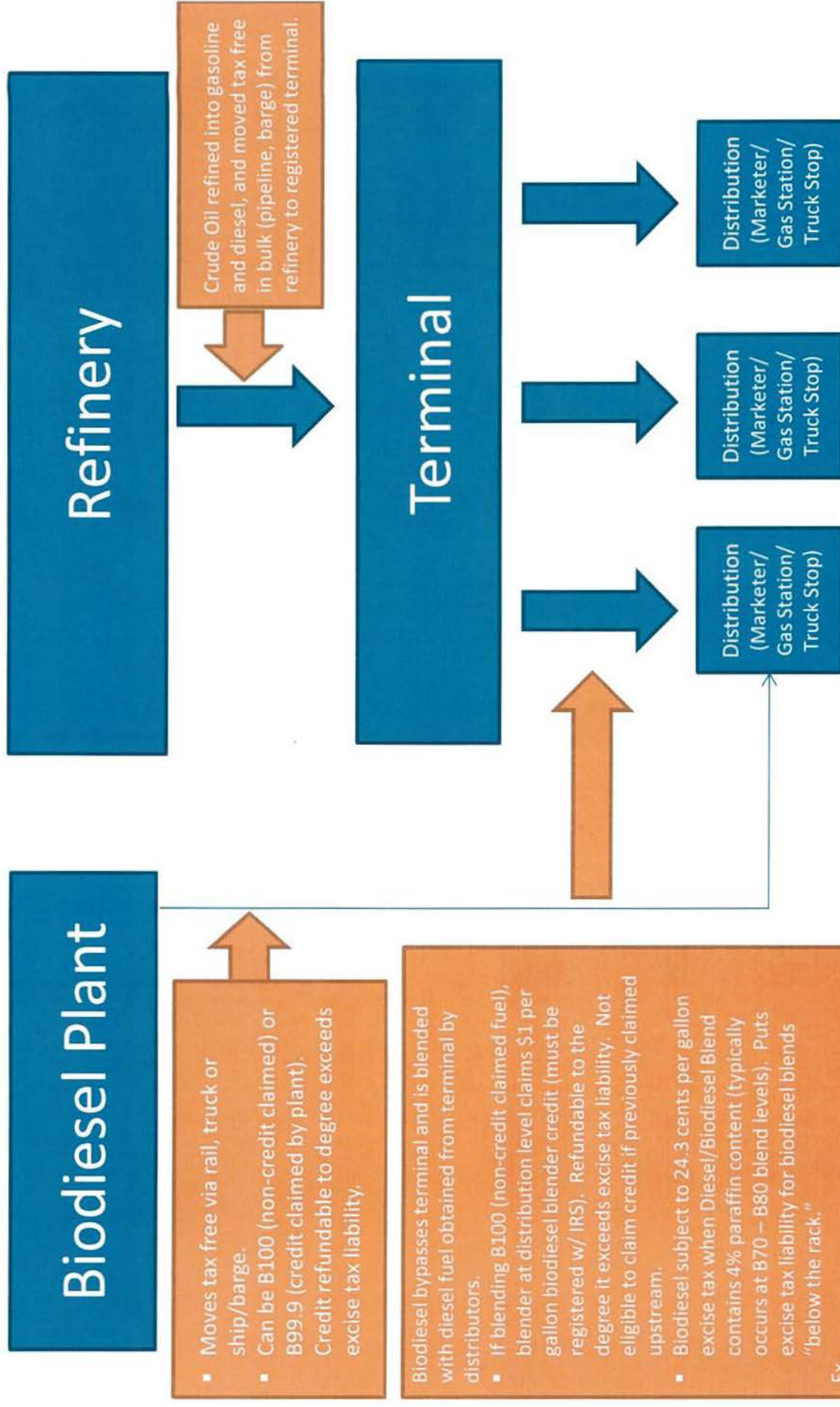




## Biodiesel – “Above the Rack”



## Biodiesel – “Below the Rack”



Biodiesel bypasses terminal and is blended with diesel fuel obtained from terminal by distributors.

- If blending B100 (non-credit claimed fuel), blender at distribution level claims \$1 per gallon biodiesel blender credit (must be registered w/ IRS). Refundable to the degree it exceeds excise tax liability. Not eligible to claim credit if previously claimed upstream.
- Biodiesel subject to 24.3 cents per gallon excise tax when Diesel/Biodiesel Blend contains 4% paraffin content (typically occurs at B70 – B80 blend levels). Puts excise tax liability for biodiesel blends “below the rack.”

Ex.

1 gallon B5 =	24.4 Cents Excise Tax (+LUST)
	- 5.0 Cents Biodiesel Credit
	19.4 Cents Federal Excise Tax



**Schedule 3  
(Form 8849)**(Rev. October 2009)  
Department of the Treasury  
Internal Revenue Service**Certain Fuel Mixtures  
and the Alternative Fuel Credit**

© Attach to Form 8849. Do not file with any other schedule.

OMB No. 1545-1420

Name as shown on Form 8849

EIN or SSN

Total refund (see instructions)

\$

**Caution.** The alcohol fuel mixture credit, biodiesel mixture credit, renewable diesel mixture credit, and alternative fuel mixture credit must first be taken as a credit against your taxable fuel liability (gasoline, diesel fuel, and kerosene) reported on Form 720. Similarly, the alternative fuel credit must first be taken on Form 720 as a credit against your alternative fuel or CNG tax liability. If you have these tax liabilities and you did not make the claim on Schedule C (Form 720) as a credit against those liabilities, you must first file Form 720X, Amended Quarterly Federal Excise Tax Return, before Form 8849, Schedule 3, can be used for the refund. You cannot claim any amounts on Form 8849 that you claimed (or will claim) on Schedule C (Form 720), Form 720X, or Form 4136, Credit for Federal Tax Paid on Fuels.

**Claimant's registration no. ©** \_\_\_\_\_

Enter your registration number, including the prefix, on the entry line above. Line 3 claimants must enter their AL or AM registration number.

**Period of claim:** Enter month, day, and year  
in MMDDYYYY format.

From © \_\_\_\_\_

To © \_\_\_\_\_

**1 Alcohol Fuel Mixture Credit**

Claimant produced an alcohol fuel mixture by mixing taxable fuel with alcohol. The alcohol fuel mixture was sold by the claimant to any person for use as a fuel or was used as a fuel by the claimant.

	(a) Rate	(b) Gallons of alcohol	(c) Amount of claim Multiply col. (a) by col. (b).	(d) CRN
a Alcohol fuel mixtures containing ethanol	\$ .45		\$	393
b Alcohol fuel mixtures containing alcohol (other than ethanol)	.60			394

**2 Biodiesel or Renewable Diesel Mixture Credit**

**Biodiesel mixtures.** Claimant produced a mixture by mixing biodiesel with diesel fuel. The biodiesel used to produce the mixture met ASTM D6751 and met EPA's registration requirements for fuels and fuel additives. The mixture was sold by the claimant to any person for use as a fuel or was used as a fuel by the claimant. Claimant has attached the Certificate for Biodiesel and, if applicable, the Statement of Biodiesel Reseller. **Renewable diesel mixtures.** Claimant produced a mixture by mixing renewable diesel with liquid fuel (other than renewable diesel). The renewable diesel used to produce the renewable diesel mixture was derived from biomass, and met EPA's registration requirements for fuels and fuel additives, and met ASTM D975, D396, or other equivalent standard approved by the IRS. The mixture was sold by the claimant to any person for use as a fuel or was used as a fuel by the claimant. Claimant has attached the Certificate for Biodiesel and, if applicable, Statement of Biodiesel Reseller, both of which have been edited as discussed in the instructions for line 2. See the instructions for line 2 for information about renewable diesel used in aviation.

	(a) Rate	(b) Gallons of biodiesel or renewable diesel	(c) Amount of claim Multiply col. (a) by col. (b).	(d) CRN
a Biodiesel (other than agri-biodiesel) mixtures	\$1.00		\$	388
b Agri-biodiesel mixtures	1.00			390
c Renewable diesel mixtures	1.00			307

**3 Alternative Fuel Credit and Alternative Fuel Mixture Credit**

For the alternative fuel mixture credit, claimant produced a mixture by mixing taxable fuel with alternative fuel. Claimant certifies that it (a) produced the alternative fuel, or (b) has in its possession the name, address, and EIN of the person(s) that sold the alternative fuel to the claimant; the date of purchase, and an invoice or other documentation identifying the amount of the alternative fuel. The claimant also certifies that it made no other claim for the amount of the alternative fuel, or has repaid the amount to the government. The alternative fuel mixture was sold by the claimant to any person for use as a fuel or was used as a fuel by the claimant.

	(a) Rate	(b) Gallons or gasoline gallon equivalents (GGE)	(c) Amount of claim Multiply col. (a) by col. (b).	(d) CRN
a Liquefied petroleum gas (LPG)	\$ .50		\$	426
b "P Series" fuels	.50			427
c Compressed natural gas (CNG)(GGE = 121 cu. ft.)	.50			428
d Liquefied hydrogen	.50			429
e Any liquid fuel derived from coal (including peat) through the Fischer-Tropsch process	.50			430
f Liquid fuel derived from biomass	.50			431
g Liquefied natural gas (LNG)	.50			432
h Liquefied gas derived from biomass	.50			436
i Compressed gas derived from biomass (GGE = 121 cu. ft.)	.50			437

For Privacy Act and Paperwork Reduction Act Notice, see Form 8849 instructions.

Cat. No. 27451F

Schedule 3 (Form 8849) (Rev. 10-2009)

## What's New

c After September 30, 2009, is a carbon capture requirement to claim the credit for the liquid fuel derived from coal through the Fisher-Tropsch process. See the instructions for line 3 for the claim requirements.

## Reminders

The refund claimed on Schedule 3 can be less than \$200 if the claim is filed electronically. For more information on filing electronically, visit the IRS *e-file* website at [www.irs.gov/efile](http://www.irs.gov/efile).

## General Instructions

### Coordination With Excise Tax Credit

Only one credit may be taken with respect to any gallon of alcohol reported on line 1, biodiesel or renewable diesel reported on line 2, or alternative fuel reported on line 3. If any amount is claimed (or will be claimed), with respect to any gallon of alcohol, biodiesel, renewable diesel, or alternative fuel on Form 720, Form 720X, or Form 4136, then a claim cannot be made on Form 8849 for that gallon of alcohol, biodiesel, renewable diesel, or alternative fuel.

### Excise Tax Liability

Persons who blend an untaxed liquid with taxable fuel to produce a taxable fuel mixture outside the bulk transfer terminal system must pay the excise tax on the volume of the untaxed liquid in the mixture.

See Form 720 to report these taxes. You also must be registered with the IRS as a blender (M registrants). Line 3 claimants must also have an AL or AM registration number. See Form 637, Application for Registration (For Certain Excise Tax Activities).

### Total Refund

Add all amounts in column (c) and enter the result in the total refund box at the top of the schedule. See *Claim requirements* for each type of claim.

### Amount of Refund

Multiply the number of gallons or gasoline gallon equivalents by the rate and enter the result in the boxes for column (c).

### How To File

Attach Schedule 3 to Form 8849. On the envelope write "Fuel Mixture Claim" and mail to the IRS at the address under *Where To File* in the Form 8849 instructions.

## Specific Instructions

### Line 1. Alcohol Fuel Mixture Credit

**Claimant.** The person that produced and sold or used the mixture in their trade or business is the only person eligible to make this claim. The credit is based on the gallons of alcohol in the mixture.

**Claim requirements.** The alcohol fuel mixture credit may not be claimed for alcohol produced outside the United States for use as a fuel outside the United States. The United States includes any possession of the United States. The following requirements must be met.

1. The claim must be for an alcohol fuel mixture sold or used during a period that is at least 1 week.
2. The amount of the claim must be at least \$200 unless the claim is filed electronically. To meet the minimum, amounts from lines 1, 2, and 3 may be combined.
3. The claim must be filed by the last day of the first quarter following the earliest quarter of the claimant's income tax year included in the claim. For example, a calendar-year claimant's claim for an alcohol fuel mixture sold or used during June and July must be filed by September 30.

**Note.** If requirements 1–3 above are not met, see *Annual Claims under Additional Information for Schedules 1, 2, and 3* in the Form 8849 instructions.

**How to claim the credit.** Any alcohol fuel mixture credit must first be taken on Schedule C to reduce your taxable fuel liability for gasoline, diesel fuel, and kerosene reported on Form 720. Any excess credit may be taken on Schedule C (Form 720), Form 8849, Form 4136, or Form 6478. See Notice 2005-4 and Notice 2005-62 for more information.

### Line 2. Biodiesel or Renewable Diesel Mixture Credit

**Claimant.** The person that produced and sold or used the mixture in their trade or business is the only person eligible to make this claim. The credit is based on the gallons of biodiesel or renewable diesel in the mixture. The biodiesel used to produce the biodiesel mixture must meet ASTM D6751 and meet the Environmental Protection Agency's (EPA) registration requirements for fuels and fuel additives under section 211 of the Clean Air Act. The renewable diesel used to produce the renewable diesel mixture must be derived from biomass, meet EPA's registration requirements for fuels and fuel additives under section 211 of the Clean Air Act, and meet ASTM D975, D396, or other equivalent standard approved by the IRS. Renewable diesel also includes fuel derived from biomass that meets a Department of Defense specification for military jet fuel or an ASTM specification for aviation turbine fuel. For a renewable diesel mixture used in aviation, kerosene is treated as if it is diesel fuel.



*Renewable diesel does not include any fuel derived from coprocessing biomass (as defined in section 45K(c)(3)) with a feedstock that is not biomass.*

**Claim requirements.** The biodiesel mixture credit may not be claimed for biodiesel produced outside the United States for use as a fuel outside the United States. The United States includes any possession of the United States. The following requirements must be met.

1. The claim must be for a biodiesel or renewable diesel mixture sold or used during a period that is at least 1 week.



2. The claimant has a certificate from the producer. See *Certificate* below for details.

3. The amount of the claim must be at least \$200 unless the claim is filed electronically. To meet the minimum, amounts from lines 1, 2, and 3 may be combined.

4. The claim must be filed by the last day of the first quarter following the earliest quarter of the claimant's income tax year included in the claim. For example, a calendar-year claimant's claim for a biodiesel mixture sold or used during June and July must be filed by September 30.

**Note.** If requirements 1–4 above are not met, see *Annual Claims* under *Additional Information* for Schedules 1, 2, and 3 in the Form 8849 instructions.

**Certificate.** The Certificate for Biodiesel and, if applicable, Statement of Biodiesel Reseller must be attached to the first claim filed that is supported by the certificate or statement. For the renewable diesel mixture credit, you must edit the certificate and, if applicable, statement to indicate that the fuel to which the certificate and statement relate is renewable diesel and state the renewable diesel meets the requirements discussed earlier under *Claimant*. See Model Certificate O and Model Certificate S in Pub. 510. If the certificate and statement are not attached to Schedule 3 because they are attached to a previously-filed claim on Schedule C (Form 720), attach a separate sheet with the following information.

1. Certificate identification number.
2. Total gallons of biodiesel or renewable diesel on certificate.
3. Total gallons claimed on Schedule C (Form 720), line 13.

**How to claim the credit.** Any biodiesel or renewable diesel mixture credit must first be taken on Schedule C to reduce your taxable fuel liability for gasoline, diesel fuel, and kerosene reported on Form 720. Any excess credit may be taken on Schedule C (Form 720), Form 8849, Form 4136, or Form 8864. See Notice 2005-4 and Notice 2005-62 for more information.

### Line 3. Alternative Fuel Credit and Alternative Fuel Mixture Credit

**Claimant.** For the alternative fuel credit, the registered alternative fueler who (1) sold an alternative fuel at retail and delivered it into the fuel supply tank of a motor vehicle or motorboat, (2) sold an alternative fuel, delivered it in bulk for taxable use in a motor vehicle or motorboat, and received the required statement from the buyer, (3) used an alternative fuel (not sold at retail or in bulk as previously described) in a motor vehicle or motorboat, or (4) sold an alternative fuel for use as a fuel in aviation is the only person eligible to make this claim.

For the alternative fuel mixture credit, the registered alternative fueler that produced and sold or used the mixture as a fuel in their trade or business is the only person eligible to make this claim. The credit is based on the gallons of alternative fuel in the mixture.

**Claim requirements.** The alternative fuel credit and alternative fuel mixture credit may not be claimed for alternative fuel produced outside the United States for use as a fuel outside the United States. The United States includes any possession of the United States. The following requirements must be met.

1. You must be registered with the IRS.
2. The claim must be for an alternative fuel or alternative fuel mixture sold or used (as described above under *Claimant*) during a period that is at least 1 week.
3. The amount of the claim must be at least \$200 unless the claim is filed electronically. To meet the minimum, amounts from lines 1, 2, and 3 may be combined.
4. The claim must be filed by the last day of the first quarter following the earliest quarter of the claimant's income tax year included in the claim. For example, a calendar-year claimant's claim for an alternative fuel mixture sold or used during June and July must be filed by September 30.

**Note.** If requirements 2–4 above are not met, see *Annual Claims* under *Additional Information* for Schedules 1, 2, and 3 in the Form 8849 instructions.

**Carbon capture requirement.** A credit for liquid fuel derived from coal (including peat) through the Fisher-Tropsch process can be claimed only if the fuel is derived from coal produced at a gasification facility which separates and sequesters the following percentage of the facility's total carbon dioxide emissions.

c 50% for fuel produced after September 30, 2009, and before December 31, 2009.

c 75% for fuel produced after December 30, 2009.

**How to claim the credit.** Any alternative fuel credit must first be taken on Schedule C to reduce your liability for alternative fuel and CNG reported on Form 720. Any alternative fuel mixture credit must first be taken on Schedule C to reduce your taxable fuel liability for gasoline, diesel fuel, and kerosene reported on Form 720. Any excess credit may be taken on Schedule C (Form 720), Form 8849, or Form 4136.

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Section references are to the Internal Revenue Code.

### What's New

Changes are discussed under *What's New* in the instructions for each schedule.

### Reminders

c You can electronically file Form 8849 through any electronic return originator (ERO), transmitter, and/or intermediate service provider (ISP) participating in the IRS *e-file* program for excise taxes. For more information on *e-file* and its availability, visit the IRS website at [www.irs.gov/efile](http://www.irs.gov/efile).

c Qualified subchapter S subsidiaries (QSubs) and eligible single-owner disregarded entities are treated as separate entities for excise tax and reporting purposes. QSubs and eligible single-owner disregarded entities must pay and report excise taxes (other than IRS Nos. 31, 51, and 117), register for excise tax activities, and claim any refunds, credits, and payments under the entity's employer identification number (EIN). These actions cannot take place under the owner's taxpayer identification number (TIN). Some QSubs and disregarded entities may already have an EIN. However, if you are unsure, please call the IRS Business and Specialty tax line at (b) (6).

Generally, QSubs and eligible single-owner disregarded entities will continue to be treated as disregarded entities for other federal tax purposes (other than employment taxes). Thus, taxpayers filing Form 4136, Credit for Federal Tax Paid on Fuels, with Form 1040, Individual Income Tax Return, can use the owner's TIN. For more information on these new regulations, see Treasury Decision (T.D.) 9356. You can find T.D. 9356 on page 675 of Internal Revenue Bulletin 2007-39 at [www.irs.gov/pub/irs-irbs/irb07-39.pdf](http://www.irs.gov/pub/irs-irbs/irb07-39.pdf).

### General Instructions

#### Purpose of Form

Use Schedules 1, 2, 3, 5, and 8 to claim certain fuel related refunds such as nontaxable uses (or sales) of fuels. Form 8849 lists the schedules by number and title.

Use Schedule 6 for claims not reportable on Schedules 1, 2, 3, 5, and 8, including refunds of excise taxes reported on:

c Form 720, Quarterly Federal Excise Tax Return;

c Form 730, Monthly Tax Return for Wagers;

c Form 11-C, Occupational Tax and Registration Return for Wagering; and

c Form 2290, Heavy Highway Vehicle Use Tax Return.

Filers only need to complete and attach to Form 8849 the applicable schedules.

Do not use Form 8849:

c To make adjustments to liability reported on Forms 720 filed for prior quarters. Instead, use Form 720X, Amended Quarterly Federal Excise Tax Return.

c To claim amounts that you took or will take as a credit on Schedule C (Form 720), Form 730, Form 2290, or Form 4136.

### Additional Information

c Pub. 510, Excise Taxes, has more information on nontaxable uses, and the definitions of terms such as ultimate vendor and blocked pump. Pub. 510 also contains information on fuel tax credits and refunds.

c Pub. 225, Farmer's Tax Guide, also includes information on credits and refunds for the federal excise tax on fuels applicable to farmers.

You may also call the business and specialty tax line at (b) (6) with your excise tax questions.

### How To Fill In Form 8849

#### Name and Address

Print the information in the spaces provided. Begin printing in the first box on the left. Leave a blank box between each name and word. If there are not enough boxes, print as many letters as there are boxes. Use hyphens for compound names; use one box for each hyphen.

**P.O. box.** If your post office does not deliver mail to your street address and you have a P.O. box, show your box number instead of your street address.

**Foreign address.** Enter the information in the following order: city, state or province, and the name of the country. Follow the country's practice for entering the postal code. Do not abbreviate the country's name.

#### Taxpayer Identification Number (TIN)

Enter your employer identification number (EIN) in the boxes provided. If you are not required to have an EIN, enter your social security number (SSN). An incorrect or missing number will delay processing your claim.

**Month Income Tax Year Ends**

Enter the month your income tax year ends. For example, if your income tax year ends in December, enter "12" in the boxes. If your year ends in March, enter "03."

**Signature**

Form 8849 must be signed by a person with authority to sign this form for the claimant.

**Where To File**

c For Schedules 1 and 6, mail Form 8849 to:

Department of the Treasury  
Internal Revenue Service  
Cincinnati, OH 45999-0002

c For Schedules 2, 3, 5, and 8, mail Form 8849 to:

Internal Revenue Service  
P.O. Box 312  
Covington, KY 41012-0312

**Caution.** Private delivery services designated by the IRS cannot deliver items to P.O. boxes. You must use the U.S. Postal Service to mail any item to an IRS P.O. box address. For details on designated private delivery services, see Pub. 509, Tax Calendars.

**Including the Refund in Income**

Include any refund of excise taxes in your gross income if you claimed the amount of the tax as an expense deduction that reduced your income tax liability.

**Cash method.** If you use the cash method and file a claim for refund, include the refund amount in your gross income for the tax year in which you receive the refund.

**Accrual method.** If you use an accrual method, include the amount of refund in gross income for the tax year in which you used the fuels or sold the fuels if you are a registered ultimate vendor or registered credit card issuer.

**Specific Instructions****Information for Completing Schedules**

**Note.** Your refund will be delayed or Form 8849 will be returned to you if you do not follow the required procedures or do not provide all the required information. See the instructions for each schedule.

Complete each schedule and attach all information requested for each claim you make. Be sure to enter your name and TIN on each schedule you attach. Generally, for each claim, you must enter the following information:

- c Period of the claim.
- c Item number (when requested) from the *Type of Use Table* below.
- c Rate (as needed). See the separate schedule instructions.
- c Number of gallons.
- c Amount of refund.

If you need more space for any line on a schedule (for example, you have more than one type of use) prepare a separate sheet with the same information. Include your name and TIN on each sheet you attach.

**Period of Claim**

Enter the period of the claim for each type of claim using the MMDDYYYY format. For example, the first quarter of 2009 for a calendar-year taxpayer would be 01012009 to 03312009.

**Type of Use Table**

The following table lists the nontaxable uses of fuels. You must enter the number from the table in the **Type of Use** column as required on Schedules 1 and 2.

No.	Type of Use
1	On a farm for farming purposes
2	Off-highway business use (for business use other than in a highway vehicle registered or required to be registered for highway use) (other than use in mobile machinery)
3	Export
4	In a boat engaged in commercial fishing
5	In certain intercity and local buses
6	In a qualified local bus
7	In a bus transporting students and employees of schools (school buses)
8	For diesel fuel and kerosene (other than kerosene used in aviation) used other than as a fuel in the propulsion engine of a train or diesel-powered highway vehicle (but not off-highway business use)
9	In foreign trade
10	Certain helicopter and fixed-wing aircraft uses
11	Exclusive use by a qualified blood collector organization
12	In a highway vehicle owned by the United States that is not used on a highway
13	Exclusive use by a nonprofit educational organization
14	Exclusive use by a state, political subdivision of a state, or the District of Columbia
15	In an aircraft or vehicle owned by an aircraft museum
16	In military aircraft

**Types of Use 13 and 14.** Generally, claims for sales of diesel fuel, kerosene, kerosene for use in aviation, gasoline, or aviation gasoline for the exclusive use of a state or local government (and nonprofit educational organization for gasoline or aviation gasoline) must be made following the order below.

1. By the registered credit card issuer if the state or local government (or nonprofit educational organization if applicable) used a credit card and the credit card issuer meets the requirements discussed in the Schedule 8 (Form 8849) instructions.
2. By the registered ultimate vendor if the ultimate purchaser did not use a credit card and the ultimate vendor meets the requirements discussed in the Schedule 2 (Form 8849) instructions.
3. By the ultimate purchaser if the ultimate purchaser used a credit card and neither the registered credit card issuer nor the registered ultimate vendor is eligible to make the claim.



For additional requirements, see Pub. 510.

### Additional Information for Schedules 1, 2, and 3

#### Annual Claims

If a claim was not made for any gallons during the income tax year on Form 8849, an annual claim may be made. Generally, an annual claim is made on Form 4136 for the income tax year during which the fuel was:

- c Used by the ultimate purchaser;
- c Sold by the registered ultimate vendor;
- c Purchased with a credit card issued by a registered credit card issuer (except for gasoline and aviation gasoline);
- c Used to produce alcohol fuel mixtures, biodiesel or renewable diesel mixtures, and alternative fuel mixtures; or
- c Used in mobile machinery.

The following claimants must use Form 8849 (Schedule 1) for annual claims.

1. The United States.
2. A state, political subdivision of a state, or the District of Columbia (but see *Types of Use 13 and 14* on page 3).
3. Organizations exempt from income tax under section 501(a) (provided that the organization is not required to file Form 990-T, Exempt Organization Business Income Tax Return, for that taxable year).

For claimants included in 1–3 above, the annual Form 8849 for fuel used during the taxable year must be filed within the 3 years following the close of the taxable year. For these claimants, the taxable year is based on the calendar year or fiscal year it regularly uses to keep its books.

Although not an annual claim, the above claimants should use Schedule 3 to claim the alternative fuel credit.

**Note.** Gasoline used by the above claimants on a farm for farming purposes (type of use 1) is an allowable use on Line 1 of Schedule 1.

**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on the form and schedules to carry out the Internal Revenue laws of the United States. We need it to figure and collect the right amount of tax. Subtitle F, Procedure and Administration, of the Internal Revenue Code allows refunds of taxes imposed under Subtitle D,

Miscellaneous Excise Taxes. The form and schedules are used to determine the amount of the refund that is due to you. Section 6109 requires you to provide your taxpayer identification number (SSN or EIN). Routine uses of tax information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, and the District of Columbia for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement agencies and intelligence agencies to combat terrorism.

You are not required to claim a refund; however, if you do so you must provide the information requested on this form. If you fail to provide all requested information in a timely manner, we may be unable to process this claim. If you provide false or fraudulent information, you may be liable for penalties.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file the form and schedules will vary depending on individual circumstances. The estimated average times are:

	Record-keeping	Learning about the law or the form	Preparing, copying, assembling, and sending the form to the IRS
Form 8849	3 hr., 21 min.	24 min.	28 min.
Schedule 1	20 hr., 19 min.	6 min.	25 min.
Schedule 2	11 hr., 43 min.		11 min.
Schedule 3	7 hr., 10 min.	6 min.	13 min.
Schedule 5	3 hr., 35 min.	6 min.	9 min.
Schedule 6	2 hr., 9 min.	24 min.	27 min.
Schedule 8	5 hr., 15 min.		5 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making the form and schedules simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W-CAR:MP:T:T:SP, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send Form 8849 to this address. Instead, see *Where To File* on page 3.

To: (b) (6)  
From: (b) (6)  
Sent: Mon 2/11/2013 8:06:20 PM  
Subject: RE: Hey, What's Tysons Interest in tomorrow meeting again?  
MAIL RECEIVED: Mon 2/11/2013 8:05:44 PM  
(b) (6)  
[www.hklaw.com](http://www.hklaw.com)  
[Add to address book](#)  
[View professional biography](#)

They want to buy the pfad feedstock, thanks for the help with Steve!

Michael McAdams | Holland & Knight  
Sr Policy Advisor  
800 17th Street, NW Suite 1100 | Washington DC 20006  
Phone (b) (6) | Fax (b) (6)  
(b) (6) | [www.hklaw.com](http://www.hklaw.com)

---

[Add to address book](#) | [View professional biography](#)

From: (b) (6) [mailto:(b) (6)]  
Sent: Monday, February 11, 2013 2:58 PM  
To: McAdams, Michael J (WAS - X75140)  
Subject: Hey, What's Tysons Interest in tomorrow meeting again?

Paul N. Argyropoulos  
Senior Policy Advisor  
Office of Transportation & Air Quality  
US Environmental Protection Agency  
Office Phone: (b) (6)  
Mobile: (b) (6)  
Email: (b) (6)  
Website: [www.epa.gov/otaq](http://www.epa.gov/otaq)

\*\*\*\*IRS CIRCULAR 230 DISCLOSURE: TO ENSURE COMPLIANCE WITH REQUIREMENTS IMPOSED BY THE IRS, WE INFORM YOU THAT ANY TAX ADVICE CONTAINED IN THIS COMMUNICATION (INCLUDING ANY ATTACHMENTS) IS NOT INTENDED OR WRITTEN BY HOLLAND & KNIGHT LLP TO BE USED, AND CANNOT BE USED, FOR THE PURPOSE OF (I) AVOIDING TAX-RELATED PENALTIES UNDER THE INTERNAL REVENUE CODE, OR (II) PROMOTING, MARKETING, OR RECOMMENDING TO ANOTHER PARTY ANY TAX-RELATED MATTER HEREIN.\*\*\*\*

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To: (b) (6)  
Werner (b) (6)

From: Larry Schafer  
Sent: Tue 2/12/2013 2:36:36 PM  
Subject: FW: OceanConnect filed for bankruptcy  
MAIL\_RECEIVED: Tue 2/12/2013 2:36:02 PM  
[TransportRoom.pdf](#)

(b) (6)  
[www.americasadvancedbiofuel.com](http://www.americasadvancedbiofuel.com)  
(b) (6)

Fyi ...

---

Larry Schafer

National Biodiesel Board

O: (b) (6)

M: (b) (6)

(b) (6)

---

Biodiesel – America's Advanced Biofuel!

[www.americasadvancedbiofuel.com](http://www.americasadvancedbiofuel.com)

1331 Pennsylvania Ave. NW

Suite 505

Washington DC 20004

From: Franco, Sandra [mailto:(b) (6)]  
Sent: Monday, February 11, 2013 11:43 AM



To: Larry Schafer  
Cc: Franco, Sandra  
Subject: OceanConnect filed for bankruptcy

Just as an FYI and in case you hadn't already heard, apparently OceanConnect filed for bankruptcy on Friday. So the cases against them should be stayed under the rules of bankruptcy, which means they are likely not going to pursue their claims against EPA.

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Sandra Franco

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

**OCEANCONNECT, L.L.C.,**

Defendant-Third Party Plaintiff - Appellant

v.

**UNITED STATES OF AMERICA,  
by and through the U.S. Environmental Protection Agency;  
LISA P. JACKSON, in her official capacity as  
Administrator of the U.S. Environmental Protection Agency,**

Third Party Defendants - Appellees

---

Appeal from the United States District Court  
for the Southern District of Texas, Houston Division  
C.A. 4:11-CV-4311

---

**OCEANCONNECT, LLC NOTICE OF BANKRUPTCY FILING  
AND AUTOMATIC STAY**

---

John A.V. Nicoletti NICOLETTI HORNIG & SWEENEY Wall Street Plaza 88 Pine Street, 7th Floor New York, New York 10005 Telephone: (b) (6) Facsimile: (b) (6)	Keith B. Letourneau BELL, RYNIKER & LETOURNEAU 5847 San Felipe, Suite 4600 Houston, Texas 77057 Telephone: (b) (6) Facsimile: (b) (6)
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------

Attorneys for OceanConnect, LLC

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**COMES NOW**, Keith B. Letourneau, attorney for Defendant OceanConnect, LLC, and would show the Court as follows:

1. OceanConnect, LLC filed for bankruptcy on February 8, 2013, in the United States Bankruptcy Court for the Southern District of New York. The case number is 13-22201.
2. The automatic stay provisions of Section 362 of the Bankruptcy Code are in effect.
3. All counsel of record are being notified of this action via notice of electronic filing.

Dated: February 8, 2013  
Houston, Texas

Respectfully submitted,



---

Keith B. Letourneau  
State Bar No. 00795893  
Federal I.D. No. 20041  
5847 San Felipe, Suite 4600  
Houston, Texas 77057  
Telephone: (713) (b) (6)  
Facsimile: (713) (b) (6)  
Email: (b) (6)  
*Attorney-in-Charge for Defendant-Third  
Party Plaintiff - Appellant OceanConnect,  
LLC*

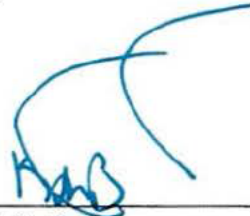
**OF COUNSEL:**  
Wm. Tracy Freeman  
State Bar No. 00793757; Federal Bar No. 19588

Email: (b) (6)  
**BELL, RYNIKER & LETOURNEAU**

**CERTIFICATE OF SERVICE**

I certify that on this 8<sup>th</sup> day of February, 2013, I electronically filed the foregoing with the United States Court of Appeals for the Fifth Circuit via the Court's Electronic Filing System, and further certify that I have served, via the Court's electronic Case Filing System and by U.S. Regular Mail, the required copies of same on Appellee's counsel listed below:

Eric G. Hostetler  
Environmental Defense Section  
U.S. Department of Justice  
P. O. Box 7611  
Washington, DC 20044



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Keith B. Letourneau

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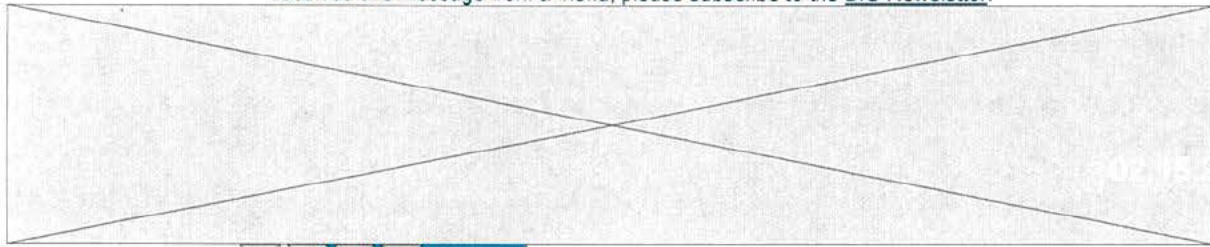
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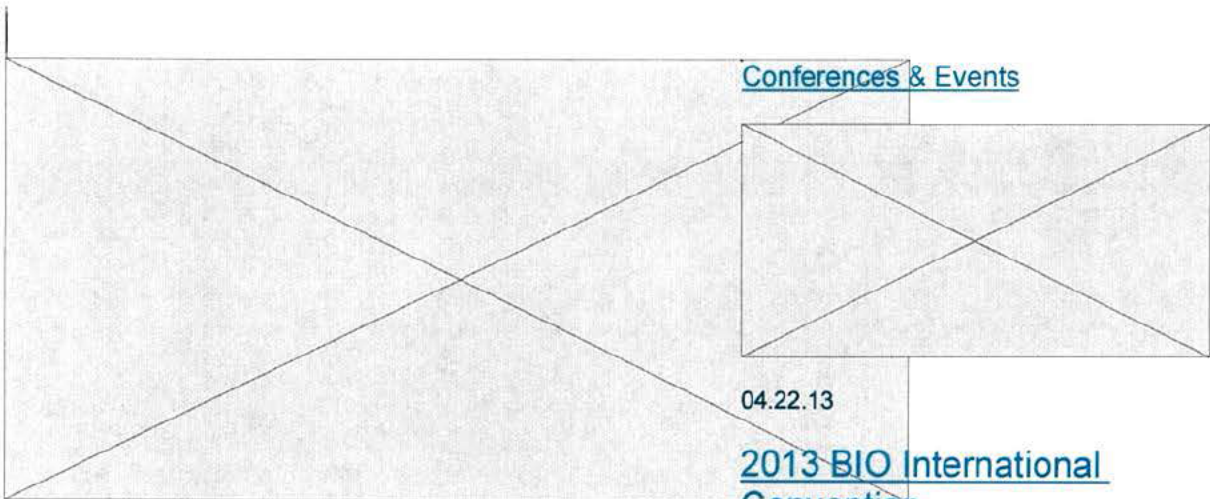
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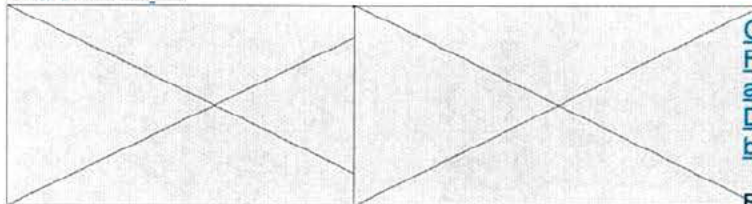
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